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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,871	10/12/2001	Phillip Hugh Davies	Dav01-001	2177

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EXAMINER
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MATHEW, FENN C

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 02/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/976,871

Applicant(s)

DAVIES, PHILLIP HUGH

Examiner

Fenn C Mathew

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 53,54 and 56-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 60-63 is/are allowed.
- 6) ☒ Claim(s) 53,54,58,59 and 64-73 is/are rejected.
- 7) ☒ Claim(s) 56 and 57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to communications filed on 12/8/2003. As directed by the applicant, claims 1-52 now stand as cancelled, claims 53, 56, and 57 are amended. Claims 53-54 and 56-73 are pending. Based on applicant arguments, finality of the previous action has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

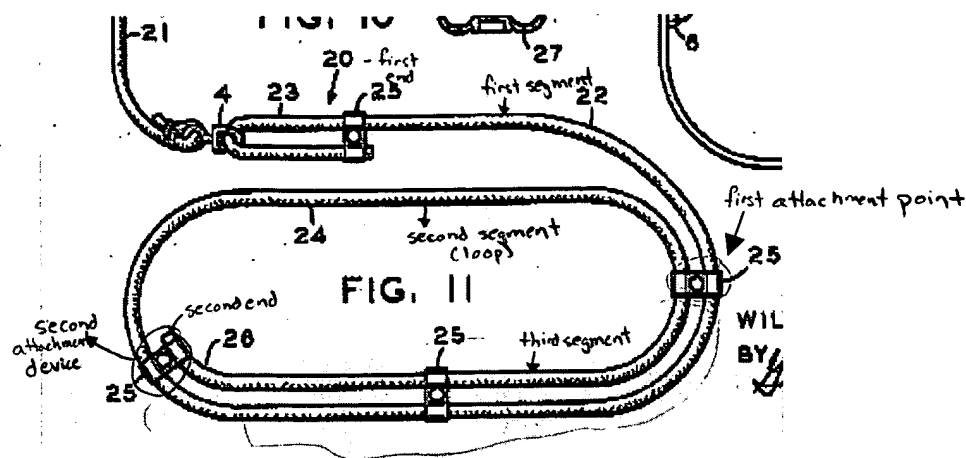
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 53, 58-59, and 64-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Schweitzer (U.S. 3,249,356). Referring to claim 53, Schweitzer discloses a handle (21), an elongated first element (22) attached to the handle, the elongated first element having a first loop formed by a first loop forming device (25) and elongated second element (26) attached directly to the first loop forming device, the elongated second element attached to the first loop by the first loop forming device and a second loop forming device, the first loop forming device and the second loop forming device located about opposite ends of the first loop.

Art Unit: 3764



4. Referring to claim 58, the loop is partially covered by a tubular element (the loop forming devices).

5. Referring to claim 59, Schweitzer discloses embodiments where the elongated element can comprise separate intermediate cords (fig. 5 for example).

6. Referring to claim 64, Schweitzer discloses a handle, an elongated element comprised sequentially of a first end, a first segment, a first attachment point, a second attachment point, a third segment, a second end, a first attachment device attaching the first attachment point and the second attachment point to form a loop comprised of the second segment, and a second attachment device attaching an end point on the third segment proximate the second end and a point on the second segment.

7. Referring to claim 65, Schweitzer discloses the handle attached to the elongated element proximate the first end.

8. Referring to claim 66, Schweitzer discloses the handle attached to the elongated element by a third attachment device (4).

9. Referring to claim 67, as best understood by the examiner, Schweitzer discloses the first attachment device attaches the elongated element to the handle.

10. Referring to claim 68, Schweitzer discloses the a handle and an elongated first element, the first element having a first and second end, the handle attached to the elongated first element proximate the first end, a first loop formed by attaching a first section of the elongated first element to a second section of the elongated first element using a first attachment device, a segment of the elongated first element with a first segment-end attached to the first loop by the first attachment device, and a second segment-end equal to the second end that is attached proximate the segment second end to the first loop by a second attachment device.

11. As broadly claimed, referring to claim 69 Schweitzer discloses a second elongated element. (Applicant has not claimed a separate cord or element.)

12. Referring to claim 70, as best understood by the examiner Schweitzer discloses the first attachment device attaches the elongated element to the handle. (Examiner is not clear as to how the first attachment device attaches the elongated element to the handle based on figure 2F, but upon review of applicant's figures on page 13 of the amendment filed 12/8/2003, Schweitzer discloses the device).

13. Referring to claim 71, Schweitzer discloses a handle and an elongated first element, the first element comprised sequentially of a first end, a first section, a second section and a second end, the handle attached to the elongated first element proximate the first end, a first loop formed by attaching the first section of the elongated first element to the second section of the elongated first element using a first attachment device, a segment of the elongated first element with a first segment end at the second section and a second segment end at the second end, the segment attached proximate

the second segment end to the loop by the second attachment device. (See above figure).

14. Referring to claims 72 and 73, please refer to rejections of claims 69-70 above.

***Claim Rejections - 35 USC § 103***

15. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
16. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schweitzer. Limitations drawn to size specifications are considered matters of obvious design choice well within the realm of one with ordinary skill in the art. It appears that the Schweitzer device would perform equally well with the claimed ranges absent any unexpected or undesired results.

***Allowable Subject Matter***

17. Claims 60-63 are allowed.
18. Claims 56-57 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach the claimed limitations as cited above, and further having the attachment devices consist of knots.

***Response to Arguments***

19. Applicant's arguments with respect to claims 53-54, 58-59, and 64-73 have been considered but are moot in view of the new ground(s) of rejection. On page 13 of the arguments filed 12/8/2003, applicant cited fig. B as a broad interpretation of the claims. Schweitzer in figure 11 discloses these elements and therefore reads on the claimed limitations.

### ***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (703) 305-2846. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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February 6, 2004



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